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In re Application of
UEHARA, Toshiyuki et al.
Application No.: 09/980,490
PCT No.: PCT/JP00/03529
Int. Filing Date: 01 June 2000
Priority Date: 04 June 1999
Attorney's Docket No.: L8494.01101
For: ALUMINUM-ALLOY THERMAL
EXCHANGER

DECISION
ON PETITION UNDER
37 CFR 1.181

This is a decision on applicants' "Petition Under MPEP 710.06," filed with the Office on 12 March 2002. This has been treated as a petition under 37 CFR 1.181. No petition fee is due.

BACKGROUND

On 01 June 2000, applicants filed international application PCT/JP00/03529, which claimed a priority date of 04 June 1999. A copy of the international application was transmitted to the United States Patent and Trademark Office (USPTO) on 14 December 2000. On 01 November 2001, a demand for international preliminary examination was filed, prior to the expiration of nineteen months from the priority date. As such, the deadline for entry into the national stage in the United States was thirty months from the priority date, or 04 December 2001.

On 04 December 2001, applicants filed a transmittal letter for entry into the national stage in the United States, accompanied by, *inter alia*, the basic national fee.

On 31 January 2002, the Office mailed a Notification of Missing Requirements (Form PCT/DO/EO/905), indicating, *inter alia*, that an oath or declaration of the inventors in compliance with 37 CFR 1.497(a)-(b) and the surcharge for filing the oath or declaration after thirty months were required. The Notification set a two month extendable period for reply.

On 12 March 2002, applicants filed the instant petition requesting that the Office reset the time period for reply so that it starts on the date when the correspondence was received by the applicant, instead of on the mail date.

DISCUSSION

A petition to reset the time period for reply must be (1) timely filed, (2) demonstrate significant delay, (3) present evidence, (4) state when the communication was received and (5) be signed.

Items (1)-(5) have been met. Applicants filed the petition on the day the communication was received. Of the two month period for reply, more than a month had elapsed. Applicants have provided the communication with the law office's receipt stamp on it and state that the communication was received on that date. Finally, the petition is signed by a practitioner registered to practice before the Office.

CONCLUSION

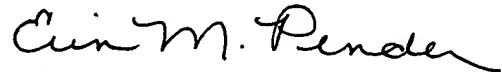
For the above reasons, applicants' petition under 37 CFR 1.181 is **GRANTED**.

The period for reply is reset to begin on 12 March 2002 and expire on 12 May 2002.

This application is being forwarded to the National Stage Processing Division of the Office of the PCT Operations for continued processing in accordance with this decision.



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